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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

	Yoshiyuki SUDA)	Examiner Lincoln D. DONOVAN
Application No.	09/788,443 ✓)	Group Art Unit 2832
Filed:	February 21, 2001)	Confirmation No. 5233
For:	ELECTROMAGNET ASSEMBLY FOR ELECTROMAGNETIC APPARATUS)	

LETTER

Commissioner for Patents
MAIL STOP ISSUE FEE
U.S. Patent and Trademark Office
Washington, D.C. 20231

Sir:

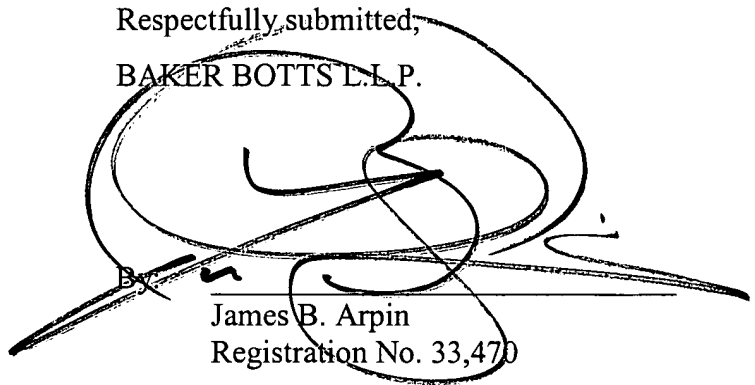
The U.S. Patent and Trademark Office (PTO) mailed a Notice of Allowance on February 11, 2004, in the above-captioned patent application. Upon reviewing the file for this application, Applicant's representatives have determined that they have not yet received the initialled Form PTO-1449 with respect to the Information Disclosure Statement filed July 23, 2002 (Tab A), or the initialled Form PTO-1449 (page 2 of 2) with respect to the Information Disclosure Statement filed October 15, 2002 (Tab B). Further, Applicant's representatives note that with respect to the Information Disclosure Statement filed October 15, 2002 (Tab B), Applicant received initialled Form PTO-1449 (page 1 of 2) with the Office Action mailed December 11, 2002 (Tab C), in this application. Applicant has included a copy of the date-stamped postcard receipts in Tab A and B, respectively, acknowledging that each Information Disclosure Statement was received by the PTO. Moreover, Applicant is enclosing a copy of the private PAIR printout showing that receipt of each of the Information Disclosure Statements were recorded by the PTO. Tab D.

In accordance with a telephone conversation between Applicant's representative and Examiner Donovan on February 27, 2004, Applicant respectfully request that the PTO provide Applicant with copies of the initialled Form PTO-1449 with respect to the Information Disclosure Statement filed July 23, 2002, and the initialled Form PTO-1449 (page 2 of 2) with respect to the

Information Disclosure Statement filed October 15, 2002, or with an explanation of why the references identified in these Information Disclosure Statements, for which initialled Forms PTO-1449 were not received, were not considered.

Applicant believes that no fees are due as a result of this submission. Nevertheless, in the event of any variance between the fees determined by Applicant and those determined by the PTO, please charge any such variance to the undersigned's Deposit Account No. 02-0375.

Respectfully submitted,
BAKER BOTTS L.L.P.

A large, stylized handwritten signature in black ink, appearing to be 'James B. Arpin', is written over the typed name and registration number. The signature is fluid and somewhat abstract, with a large loop at the top and a long horizontal stroke at the bottom.

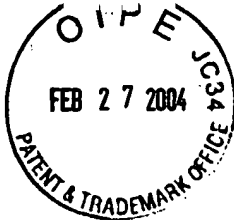
Dated: February 27, 2004

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JBA/dh

Enclosures

☐ PROVISIONAL
☒ UTILITY
☐ DESIGN



PATENT

Application No.: 09/788,443 Date: February 27, 2004
Client/Matter No.: 018842.1163 Client: Sanden Corp.
Inventor(s): Yoshiyuki Suda Atty/Sec.: JBA/dh
Title: Electromagnet Assembly For Electromagnetic Apparatus

The following has been received in the U.S. Patent and Trademark Office on the date stamped hereon:

☒ Letter
☒ Tabs A-D



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/788,443	02/21/2001	Yoshiyuki Suda	018842.1163	5233

24735 7590 12/11/2002

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EXAMINER

DONOVAN, LINCOLN D

ART UNIT PAPER NUMBER

2832

DATE MAILED: 12/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

DOCKET

Due: 11 Mar 03
Final: 11 Jun 03

RECEIVED
DEC 16 2002

BAKER BOTTS



Office Action Summary

Application No.
09/788,443

Applicant(s)

Suda

Examiner
Lincoln Donovan

Art Unit
2832



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Oct 15, 2002
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above, claim(s) 3 and 5-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, and 4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 14, 12 6) ☐ Other:

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DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-2 and 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, applicant should clarify the connector portion projection and its relationship to the surface of the ring member. The structure of the "closed end surface" and "at least one portion of the ring member forms a bottom of said opening" is unclear.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 4, as best able to be understood in view of the rejections under 35 U.S.C. 112, second paragraph, are rejected under 35 U.S.C. 102(b) as being anticipated by applicant's admitted prior art of figures 1-6 (AAPA, hereinafter).

AAPA discloses an electromagnet assembly [figures 1-6] comprising:

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- a ring member [1] formed of a tubular spool with a pair of annular flanges;
- a coil member [3];
- a ring case [4] having an annular groove with an open edge of which is in a direction parallel to its axis in which the coil member is disposed and a closed end surface [figure 4];
- an opening [4a] formed through the ring case adjacent to a closed end surface thereof; and
- a connector [5], connecting an external wire [6a, 6b] to the coil, mounted within and engaging the opening.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 2, as best able to be understood in view of the rejections under 35 U.S.C. 112, second paragraph, is rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA in view of Ishimaru.

AAPA disclose the instant claimed invention except for: the connector being pressed into an opening of a magnet support member.

Ishimaru discloses a connector being pressing into an opening of a magnet support member.

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to press the member of AAPA into the opening, as suggested by Ishimaru, for the purpose of securing the member in place.

Response to Arguments

7. Applicant's arguments filed 10-15-02 have been fully considered but they are not persuasive.

In regards to the rejection under 35 USC 112, paragraph 2, applicant argues that the structure intended by "a ring case 4 having a closed end surface and an opening formed thereby. The structure shown in the figures and described and claimed does not appear to correspond. Should the opening be closed, it is not clear how it forms an opening. The opening shown appears to be in the side and not the bottom of the ring case. The opening itself does not have a bottom, but rather side perimeter portions.

In regards to the rejection under 35 USC 102, Applicant argues that the "end of the projection portion engages the portion of the ring member which forms the bottom of the opening. See e.g. Fig. 8" is not shown by the prior art. As best able to be understood, in view of applicant's amended claim, the end portion of the projection of the prior art, engages the portion of the ring member that forms the bottom of the opening, see figure 4. Applicant has not clearly claimed any structure to differentiate what is disclosed by the prior art from that of the invention as claimed.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Lincoln Donovan whose telephone number is (703) 308-3111.

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The fax number for this Group is (703)-872-9318.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703)308-0956.

LDD

December 9, 2002


LINCOLN DONOVAN
PRIMARY EXAMINER
GROUP 2100